

FEB 15 2006

HICKMAN PALERMO TRUONG & BECKER LLP
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FACSIMILE TRANSMITTAL SHEET

TO:	Petitions Department	FROM:	Angelica Maloney Secretary for Christopher J. Brokaw
COMPANY:	U.S. Patent and Trademark Office	DATE:	FEBRUARY 15, 2006
FAX NUMBER:	571-273-8300	TOTAL NO. OF PAGES INCLUDING COVER:	10
PHONE NUMBER:		SENDER'S REFERENCE NUMBER:	50277-1512
RE:	Petition For Withdrawal of the Holding of Abandonment filed October 12, 2005, via facsimile.	YOUR REFERENCE NUMBER:	Confirmation No. 2418 Group Art Unit No. 2124 Examiner: William H. Wood U.S. Serial No. 09/872,234 Filed May 31, 2001
NOTES/COMMENTS:			
Attn: Petitions Dept.:			
Attached is a copy of the Petition For Withdrawal of the Holding of Abandonment with Declaration and supporting documents that were originally filed on October 12, 2005 via facsimile.			
Per my phone call with the Petitions Dept. earlier today, I was informed that there are no records in the Petitions Dept. indicating the attached Petition was received and was advised to resubmit the attachments.			
Please acknowledge receipt of this submission at your earliest convenience. Thank you.			
<p>THE INFORMATION CONTAINED IN THIS FACSIMILE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENT(S) NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.</p>			

BEST AVAILABLE COPY

Attorney Docket No. 50277-1512 (OID 2000-059-01)

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PATENT

**RECEIVED
CENTRAL FAX CENTER****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****FEB 15 2006**

In re Application of

Dean Tan et al.

Serial No.: 09/872,234

Filed: May 31, 2001

For: TECHNIQUES FOR
AUTOMATICALLY INSTALLING
AND CONFIGURING DATABASE
APPLICATIONS

Confirmation No.: 2418

Group Art Unit: 2124

Examiner: W. Wood.

FAKED
10/12/05**PETITION FOR WITHDRAWAL OF THE HOLDING OF ABANDONMENT****UNDER 37 CFR § 1.181(a)****Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

BY FACSIMILE: (571) 273-0025

Sir:

This Petition for Withdrawal of the Holding of Abandonment under 37 CFR §1.181(a) is in response to a phone call placed by Examiner Wood to the Applicant's Attorney, Christopher J. Brokaw, on Monday, September 12, 2005. In that call, the Examiner indicated that the United States Patent and Trademark Office (USPTO) considered the application abandoned for failure for responding to an Office Action (the "non-received Office Action") that was previously mailed. The Applicants have not received the non-received Office Action.

On November 11, 2004, Applicants mailed an amendment and response to the Office Action mailed September 23, 2004. The Applicants received a postcard, dated November 15, 2004, from the USPTO indicating that the USPTO received the Applicant's amendment and response. A photocopy of that postcard is provided in Exhibit A.

In response to the Applicant's amendment and response of November 11, 2004, the Applicants never received any communication from the USPTO. The Applicant's Attorney,

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Application of Dean Tan, et al., Ser. No. 09/872,234, Filed May 31, 2001
Petition for Withdrawal of the Holding of Abandonment under 37 CFR §1.181(a)

Christopher J. Brokaw, submits, with this petition, a statement that the Office communication, referred to in the phone call of September 12, 2005, was not received by the Applicants and attests to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed is provided as Exhibit B.

As evidenced by Exhibit B, after the Applicants filed the amendment and response of November 11, 2004, the Applicants continued to send the USPTO various papers concerning the patent application, such as Information Disclosure Statements and a Notice of Change of Correspondence Address. In fact, the Applicants received a postcard from the USPTO, dated November 16, 2004, that indicated that the USPTO received the Notice of Change of Correspondence Address. Thus, the Applicants had no reason to believe they would not receive an Official communication in response to their filed amendment and response of November 11, 2004.

Therefore, the applicant respectfully petitions for (a) the withdrawal of the holding of abandonment for failure to reply to the Office Action referred to by the Examiner in the phone call of September 12, 2005, and (b) the non-received Office Action to be re-mailed to the Applicants so that the Applicants may properly respond.

Application of Dean Tan, et al., Ser. No. 09/872,234, Filed May 31, 2001
Petition for Withdrawal of the Holding of Abandonment under 37 CFR §1.181(a)

CONCLUSION

The Office is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the consideration of the present petition.

No fee is required for this petition under MPEP § 711.03(c). If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to charge any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP



Christopher J. Brokaw
Reg. No. 45,620

2055 Gateway Place, Suite 550
San Jose, CA 95110-1089
Date: October 12, 2005
Telephone: (408) 414-1080, ext. 225
Facsimile: (408) 414-1076

Attachments - Declaration of Christopher J. Brokaw with Two Exhibits

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office Fax No. (571) 273-0025.

on October 12, 2005

by



Angelica Maloney

Attorney Docket No. 50277-1512 (OID 2000-059-01)

**RECEIVED
CENTRAL FAX CENTER**

PATENT

FEB 15 2006**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of

Confirmation No.: 2418

Dean Tan, et al.

Group Art Unit: 2124

Serial No.: 09/872,234

Examiner: William H. Wood

Filed: May 31, 2001

For: TECHNIQUES FOR
AUTOMATICALLY INSTALLING
AND CONFIGURING DATABASE
APPLICATIONS**DECLARATION OF CHRISTOPHER J. BROKAW IN SUPPORT OF
PETITION FOR WITHDRAWAL OF THE HOLDING OF ABANDONMENT****UNDER 37 CFR § 1.181(a)**Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450BY FACSIMILE: (571) 273-0025

Sir:

I, Christopher J. Brokaw, hereby declare as follows:

1. I am a registered patent attorney (Reg. No. 45,620) at the law firm of Hickman, Palermo, Truong & Becker LLP and an Attorney of Record for the above-identified application entitled TECHNIQUES FOR AUTOMATICALLY INSTALLING AND CONFIGURING DATABASE APPLICATIONS.

2. On Monday, September 12, 2005, Examiner Wood placed a call to my office. In that call, the Examiner indicated that the United States Patent and Trademark Office

Application of Dean Tan, et al., Ser. No. 09/872,234, Filed May 31, 2001
Declaration of Christopher J. Brokaw in Support of
Petition for Withdrawal of the Holding of Abandonment under 37 CFR §1.181(a)

(USPTO) considered the application abandoned for failure for responding to an Office Action ("the non-received Office Action") that was previously mailed.

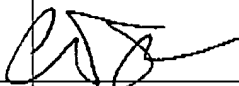
3. The non-received Office Action was not received by either the Applicants, or any employee of Hickman, Palermo, Truong & Becker LLP.

4. I attest to the fact that a search of the file jacket and docket records indicates that the non-received Office Action was not received.

5. A copy of the docket record where the non-received Office Action would have been entered had it been received and docketed is attached as Exhibit B.

6. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are to be true; and further that these statements were made with knowledge that willful false statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment; or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Dated: October 12, 2005


Christopher J. Brokaw
Reg. No. 45,620

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office Fax No. (571) 273-0025.

on October 12, 2005

by

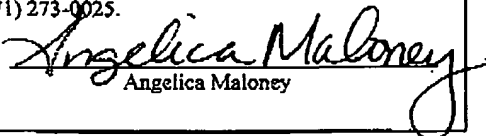

Angelica Maloney

EXHIBIT A

Acknowledgment Receipt

Mailing Date: November 11, 2004
Address: Doc Ref No. 5827/23-512
Serial No. 000871354
Inventory: Debn Tan, et al
Title: **TECHNIQUES FOR AUTOMATICALLY INSTALLING AND CONFIGURING DATABASE APPLICATIONS**
Documents Enclosed:
1. Amendment and Response (Rec'd Transmittal) 2 pages
2. Amendment and Response 12 pages
3. Check in the amount of \$16.00
4. Return Receipt Postcard

Kindly stamp the receipt date and return to addressee to acknowledge receipt of the above documents.

Form 2000-877-01

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and date docked

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EXHIBIT B

5/31/01 - Filed Non-Provisional Application.
8/2/01 - Filing Receipt received.
8/24/01 - Received Assignment recorded on 5/31/01, reel/frame 011875/0019.
4/15/03 - Filed Assignment to change name to OIC.
6/6/03 - Filed Status Inquiry.
6/27/03 - Received Status Letter Reply dated 6/19/03. Action due in more than 15 months.
9/15/03 - Received Assignment recorded 4/21/03, reel/frame 013944/0938, changing assignee to Oracle International Corporation.
9/17/03 - Filed IDS & 1449 (25 references cited).
3/5/04 - Filed IDS & 1449 (22 references cited).
6/4/04 - Filed IDS & 1449 (3 references cited).
8/16/04 - Filed IDS & 1449 (7 references cited).
9/27/04 - Received Office Action dated 9/23/04. Response due 12/23/04.
10/25/04 - Filed IDS & 1449 (13 references cited).
11/9/04 - Filed IDS & 1449 (3 references cited).
11/11/04 - Filed Amendment and Response to Office Action.
11/12/04 - Filed Change of Correspondence Address.
11/23/04 - Filed IDS with 2 cited references.
12/9/04 - Received Notice Regarding Change of Power of Attorney.
2/3/05 - Filed IDS & 1449 (15 references cited & enclosed).
5/12/05 - Filed IDS w/13 references cited, 2 enclosed w/CD-ROM.
6/3/05 - Filed IDS w/3 references cited & enclosed.
6/22/05 - Filed IDS w/3 references cited & enclosed.
7/6/05 - Filed Dayco.
8/9/05 - Filed IDS w/6 references cited and enclosed.
9/13/05 - Filed Status Inquiry.

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Mail Stop Petition	Angelica Maloney Secretary for Christopher J. Brokaw
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U.S. Patent and Trademark Office	OCTOBER 12, 2005
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571-273-0025	8
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
	50277-1512
RE:	YOUR REFERENCE NUMBER:
Petition For Withdrawal of the Holding of Abandonment of Serial No. 09/872,234 filed May 31, 2001	Confirmation No. 2418 Group Art Unit No. 2124 Examiner: William H. Wood

NOTES/COMMENTS:

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TRANSMISSION VERIFICATION REPORT

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